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SERVICE DATE - DECEMBER 22, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 208X)

THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY
–ABANDONMENT EXEMPTION–
IN CUMBERLAND AND ROANE COUNTIES, TN

Decided: December 20, 2000

By decision served November 15, 2000, the Board granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 for The Cincinnati, New Orleans and Texas Pacific Railway Company (CNOTP) to abandon a line of railroad known as the Crab Orchard Line, between milepost 141.5-H at Crab Orchard and milepost 156.9-H at Rockwood, a distance of 15.4 miles in Cumberland and Roane Counties, TN. CNOTP was also exempted from the offer of financial assistance requirements of 49 U.S.C. 10904 and the public use requirements of 49 U.S.C. 10905. The abandonment was made subject to standard employee protective conditions and the following environmental conditions: (1) CNOTP shall further consult with the Tennessee State Historic Preservation Office (SHPO) and retain its interest in and take no steps to alter the historic integrity of the line segment until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f; and (2) CNOTP shall be prohibited from salvaging or disposing of the entire right-of-way until completion of the section 7 process of the Endangered Species Act, 16 U.S.C. 1531.

By letter filed November 20, 2000, CNOTP requests that the two environmental conditions be removed. In support, petitioner attaches comments from the SHPO stating that there are no National Register of Historic Places listed or eligible properties affected by the abandonment, and from the U.S. Fish and Wildlife Service (FWS) stating that no significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from the abandonment.

Based on the comments from the SHPO and the FWS, the Board's Section of Environmental Analysis recommends that the environmental conditions be removed. The recommendation will be adopted. Accordingly, the proceeding will be reopened and the previously imposed conditions will be removed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the historic preservation and endangered species conditions imposed in the November 15, 2000 decision are removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary